



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wallace O'Connor, Inc.

File: B-227891

Date: August 31, 1987

DIGEST

Protest raising same issues as those resolved in a recent decision on a protest by the same protester and involving the same agency is dismissed as no useful purpose would be served by further consideration of the protest.

DECISION

Wallace O'Connor, Inc. (WOI) protests the determination by the Office of Foreign Building Operations, Department of State that the firm did not qualify as an eligible offeror under the terms of solicitation No. DOS/FBO/TE-1, which was issued for the construction of a new United States embassy building in Tegucigalpa, Honduras. The solicitation was subject to the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Security Act), 22 U.S.C.A. § 4852 (West Supp. 1987), under which only "United States persons" are eligible to compete for a diplomatic construction project having an estimated total project value, as here, exceeding \$5,000,000 and where adequate competition exists. WOI contends that the Department misapplied the Security Act in determining that WOI was not a "United States person" within the meaning of that Act.

We dismiss the protest.


The issues raised in this protest are identical to those resolved in Wallace O'Connor, Inc., B-227834, Aug. 19, 1987, 87-2 CPD ¶ , which involved the eligibility of WOI to compete for a construction contract for a new U.S. embassy office building in Georgetown, Guyana. The protester here relies upon the same arguments considered in the previous decision in which we held that, because the Security Act required a corporation to have been incorporated for more than 5 years in the United States and because WOI has only been incorporated in the United States since 1984, the Department properly declined to prequalify the firm for purposes of bidding upon the solicitation. We also held in that decision that the Department properly refused to consider WOI's predecessor corporate entities in determining its status as a corporation incorporated within the United

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States for more than 5 years. Accordingly, we denied WOI's protest.

Since the issues raised by WOI in this protest are the issues that were resolved in our decision of August 19, we see no useful purpose to be served by our further consideration of the protest. Swintec Corporation, B-226963, Apr. 28, 1987, 87-2 CPD ¶ ____.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel